

DISTRICT COURT, ADAMS COUNTY, COLORADO 1100 Judicial Center Dr. Brighton, CO 80601	DATE FILED: February 1, 2017 10:09 AM FILING ID: 8C1626ACE00AB CASE NUMBER: 2017CV30166 ▲ COURT USE ONLY ▲
Plaintiff: RONNIE KEYES, v. Defendants: THE GEO GROUP, INC.; JEFFREY PETERSON; JOHNNY CHOATE; SCOTT VINEYARD; DAWN CEJA; JAMIE DAVIS; and KEVIN MARTIN <hr/> Counsel for Plaintiff: Names: David A. Lane, #16422 Liana Gerstle Orshan, #46533 Address: 1543 Champa Street Suite 400 Denver, CO 80202 Phone: (303) 571-1000 Fax.: (303) 571-1001 Email: dlane@kln-law.com lorshan@kln-law.com	Case Number: Division:
COMPLAINT AND JURY DEMAND	

Plaintiff, Ronnie Keyes, by and through his attorneys, David A. Lane and Liana Gerstle Orshan of KILLMER, LANE & NEWMAN, LLP, herby files his Complaint and Jury Demand against Defendants The GEO Group, Inc., a Florida corporation, and individuals Jeffrey Peterson, Johnny Choate, Scott Vineyard, Dawn Ceja, Jamie Davis, and Kevin Martin, and respectfully alleges as follows:

I. INTRODUCTION

1. Ronnie Keyes is dying. An infection that he contracted while a federal pre-trial detainee at the Aurora Detention Center, which is operated and managed by Defendant The GEO Group, Inc. (“GEO”), is killing him, and the doctors have told him that there is nothing more that they can do for him.

2. For months, Mr. Keyes had begged Defendants to take him to the hospital. They refused. When his condition deteriorated to such an extent that they had no choice, the doctors at the hospital were forced to amputate his leg to try to save his life.

3. Since the amputation, Mr. Keyes has been in and out of the hospital while the doctors try to get the infection under control. At the end of January 2017, the doctors informed him that they have run out of viable options to treat the infection.

4. Although Mr. Keyes’s death is imminent, he does not want GEO’s utter indifference to human life and suffering to go unnoted.

II. PARTIES

5. Plaintiff Ronnie Keyes is a citizen of the United States and was at all relevant times a resident of, and domiciled in, the State of Colorado. He currently lives at [REDACTED]

6. Defendant The GEO Group, Inc. is a corporation incorporated in the State of Florida with its corporate headquarters at 621 NW 53rd St., Ste. 700, Boca Raton, Florida 33487. GEO’s registered agent of service in Colorado is the Corporate Creations Network, Inc., located at 3773 Cherry Creek Drive North, #575, Denver, Colorado 80209.

7. Under a contract with the federal government, GEO operates and manages the Aurora Detention Facility at 3130 North Oakland Street, Aurora, Colorado 80010. Defendant GEO is, and has been at all times relevant to the subject matter of this Complaint, a corporation registered to do business under the laws of the State of Colorado.

8. At all times relevant to the subject matter of this Complaint, Jeffrey Peterson was a citizen of the United States and a resident of Colorado. At all relevant times, Dr. Peterson was employed by GEO as a physician at the Aurora Detention Facility, and all acts and omissions by Dr. Peterson were within the course and scope of his employment with GEO.

9. At all times relevant to the subject matter of this Complaint, Johnny Choate was a citizen of the United States and a resident of Colorado. At all relevant times, Warden Choate was employed by GEO as the Warden at the Aurora Detention Facility, and all acts and omissions by Warden Choate were within the course and scope of his employment with GEO.

10. At all times relevant to the subject matter of this Complaint, Scott Vineyard was a citizen of the United States and a resident of Colorado. At all relevant times, Mr. Vineyard was employed by GEO as the Health Services Administrator at the Aurora Detention Facility, and all

acts and omissions by Mr. Vineyard were within the course and scope of his employment with GEO.

11. At all times relevant to the subject matter of this Complaint, Dawn Ceja was a citizen of the United States and a resident of Colorado. At all relevant times, Assistant Warden Ceja was employed by GEO as the Assistant Warden of Operations at the Aurora Detention Facility, and all acts and omissions by Assistant Warden Ceja were within the course and scope of his employment with GEO.

12. At all times relevant to the subject matter of this Complaint, Jamie Davis was a citizen of the United States and a resident of Colorado. At all relevant times, Chief Davis was employed by GEO as the Chief of Security at the Aurora Detention Facility, and all acts and omissions by Chief Davis were within the course and scope of his employment with GEO.

13. At all times relevant to the subject matter of this Complaint, Kevin Martin was a citizen of the United States and a resident of Colorado. At all relevant times, Mr. Martin was employed by GEO as the Programs Manager at the Aurora Detention Facility, and all acts and omissions by Mr. Martin were within the course and scope of his employment with GEO.

14. In addition to direct liability for its own acts and omissions, Defendant GEO is vicariously liable for the acts, omissions, and wrongful conduct of its staff, agents, and employees.

III. JURISDICTION AND VENUE

15. Jurisdiction of this Court is invoked pursuant to Colorado Revised Statute section 13-1-124(1)(a)-(b).

16. Venue is proper in the District Court for Adams County pursuant to Colo. R. Civ. P. 98(c)(5). The amount in controversy exceeds the jurisdiction of County Court.

IV. STATEMENT OF FACTS

17. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth therein.

18. Ronnie Keyes was born [REDACTED] 1977, in Joliet, Illinois. He moved to Colorado in approximately 2009 to be closer to his family members, many of whom had relocated to the Denver area.

19. Mr. Keyes is the oldest of eight brothers. He was the first born grandchild on both sides of the family. Mr. Keyes has a very close relationship with his brothers and his mother, and he has a large extended family. Mr. Keyes also has eight children from the ages of approximately fourteen to twenty-four.

20. In 2006, Mr. Keyes was in a severe car accident, which caused him to become paralyzed. As a result, Mr. Keyes cannot walk, and he uses a wheelchair for mobility.

21. In June 2016, Mr. Keyes was charged with a federal crime. Pending trial, he was detained at the Aurora Detention Facility, which is operated and managed by GEO under a contract with the federal government.

22. Because of Mr. Keyes's condition, he has certain health complications and specific medical needs. However, before his detention at the Aurora Detention Facility, Mr. Keyes was doing well and was relatively healthy. When he arrived at the Aurora Detention Facility, he informed Defendants Warden Johnny Choate, Chief of Security Jamie Davis, Dr. Jeffrey Peterson, and Scott Vineyard, the Health Services Administrator, of what he required to stay healthy.

23. Due to his paralysis and limited mobility, Mr. Keyes is prone to developing pressure ulcers (also called bedsores). To minimize the risk of pressure ulcers, Mr. Keyes sleeps on an air mattress, which puts less pressure on his skin than other mattresses.

24. Mr. Keyes repeatedly requested an air mattress from GEO and the individual Defendants, but he was never provided with one. As a result, he began to develop pressure sores, and the pressure sores he had when he arrived got worse.

25. When Mr. Keyes began his detention, he only had two pressure ulcers, neither of which was an open wound. Mr. Keyes requested wound care supplies to treat the ulcers, but his family was never given permission to bring him the supplies he needed, despite Mr. Keyes's stated concerns that the medical unit at the facility was not equipped to take care of the ulcers. He also asked if his personal wound care nurse could come to the facility to treat the pressure ulcers, but he was told that she could not.

26. It soon became apparent to Mr. Keyes that GEO's medical treatment was woefully inadequate.

27. From Mr. Keyes's arrival at the Aurora Detention Facility in June to when he was taken to the hospital in September, he filed over fifty (50) written complaints or grievances regarding his medical treatment. Not one was taken seriously.

28. For instance, in early July, Mr. Keyes filed several grievance and medical complaint forms stating that his pressure ulcers were getting worse and there was a new one on his back, raising concerns about the procedures used by GEO medical staff to treat the ulcers, which he referred to as wounds, and listing the medical supplies he needed to treat wounds. He also noted that a high protein diet was essential for the wounds to heal, and yet he was being provided diet meals. Vineyard responded that his concerns had already been "adequately addressed."

29. In many of his complaints, Mr. Keyes brought up concerns about Dr. Peterson. On July 7, Mr. Keyes wrote a grievance to Warden Choate stating that Dr. Peterson ordered the dressing on his wounds changed every three days, but in fact, his wounds needed to be cleaned and the dressing changed every day. On July 19, Mr. Keyes wrote to the Warden that he had put in numerous grievances about Dr. Peterson and the constant deterioration of his wounds, but he had gotten no response. He received no response.

30. Mr. Keyes repeatedly expressed in many of his complaints to the Warden and to Mr. Vineyard that his wounds needed daily care. He repeatedly expressed concerns that his wounds were getting worse. As to the pressure ulcers he had when he arrived at the Aurora Detention Facility, he noted on July 10 that one of them, which was “a scab away” from being healed, had become a complete “hole,” referring to the crater formed by pressure ulcers when they start to become more severe.

31. Mr. Keyes also complained that the nurses were not trained in wound care, and he had concerns about some of their techniques. He noted the potential for contamination of his wounds when the proper techniques were not used, and the possibility of infection.

32. Indeed, the nurses were not competent to treat Mr. Keyes’s wounds, a fact which three of the nurses told him themselves. They told him that they had never dealt with wounds like his, and the medical unit at the Aurora Detention Facility was not the place for him to get the treatment he needed.

33. Mr. Vineyard responded to such concerns by writing to Mr. Keyes that all of the nurses were qualified to provide wound care. Mr. Vineyard, however, never responded to any of Mr. Keyes’s concerns about his wounds worsening. Defendant Dawn Ceja, the Assistant Ward of Operations, reviewed Mr. Vineyard’s response and signed off on it, as she did for all of Mr. Vineyard’s written responses to Mr. Keyes’s complaints.

34. As a result of Dr. Peterson’s refusal to order that the dressings covering Mr. Keyes’s wounds be changed more frequently and that correct supplies be used to treat the wounds, the nurses’ inadequate sterilization and contamination prevention techniques, and Defendants’ refusal to provide Mr. Keyes an air mattress, his wounds deepened and became severely infected.

35. At the end of July, Mr. Keyes started to become more desperate. He wrote a grievance to the Warden, asking, “are you not the person to speak with about my issues? . . . My wounds are worsening and my strength is become insufficient.” In the “Relief Sought” section of the grievance, Mr. Keyes simply wrote, “HELP.”

36. Mr. Keyes’s mother, Rosezina Keyes, wrote a letter to the Warden also at the end of July, stating that all of Mr. Keyes’s medical conditions had gotten worse since his detention. She stated that the onsite doctor—which was Dr. Peterson—refused to adhere to Mr. Keyes’s prior treatment requirements, and lack of specialized treatment would lead to further deterioration of his medical condition. She requested that Mr. Keyes be moved to another facility if his needs could not be met at the Aurora Detention Facility. Like Mr. Keyes’s complaints, Mrs. Keyes’s plea was essentially ignored.

37. In August, Mr. Keyes began asking repeatedly to go to a hospital. Although some of his complaints related to severe pain in his back (he had had back surgery after the car accident and, unsurprisingly, Defendants’ refused to provide him with what he needed to minimize strain on his back), many related to his pressure ulcers. He constantly brought up the failure to provide him with an air mattress, which caused his wounds to get worse. He also

repeatedly mentioned the failure to tend to his wounds with adequate frequency and to use the correct supplies to treat them.

38. For example, on August 16, Mr. Keyes wrote a grievance to the Warden and a medical complaint that he needed to go to the hospital for his wounds and his back pain. He explained that the pressure ulcers on his back had become a “knot” and were about to become a “hole.”

39. On August 17, Mr. Keyes wrote in a grievance that he wanted to move out of the medical ward because his “asking for help” was becoming an issue and the dressing on his wounds were not being changed every other day like they should have been. Jamie Davis, the Chief of Security, wrote a memo to Kevin Martin, the Programs Manager, and copied the Warden and Assistant Warden, stating Mr. Keyes would be moved at his request but the “issue regarding wound care [had] been noted in previous grievances through the medical department and [would] be handled by that department.”

40. In the second half of August, Mr. Keyes started to raise concerns that the ulcers had gotten even worse, they were bleeding, and they smelled bad. He repeatedly noted that the sole extent of Dr. Peterson’s response to concerns about his wounds—raised by him *and* the nurses—was to give him an antibiotic and instruct the nurses to keep doing a “wet to dry” dressing. In fact, what Mr. Keyes probably needed was debridement (removal) of the dead tissue in the wounds, or at the very least, wound care directed by someone with special knowledge regarding treating pressure sores.

41. By this point, the wound on Mr. Keyes’s ankle was a crater, and the issue inside was complete black. The wound had also begun to connect to a new pressure ulcer on the back of his heel, which meant the wounds were rapidly deteriorating.

42. Over and over again, Mr. Keyes asked to go to the hospital. In response to several of Mr. Keyes’s written complaints, Mr. Vineyard wrote to Mr. Keyes on August 24 a list of every date when some type of medical services were provided to Mr. Keyes and a description of the treatment. The list looked like this: “on 6/30/16 you were evaluated by a provider on 7/1/16 wound care was provided, on 7/4/16 wound care was provided and an EKG was performed,” and so on. Mr. Vineyard concluded by stating “[i]t appears your assertions [that nothing is being done to address your medical concerns] are baseless.”

43. On August 21, Mr. Keyes wrote in a grievance that his ankle wounds were worse because they were not being tended to properly, and he needed to go to the hospital or at least have an air mattress. He also noted the smell of the wound on his buttocks. His grievance was marked “Rejected.”

44. At the end of August, Mr. Keyes wrote four grievances, each stating he needed to go to the hospital. He noted that three nurses had told Dr. Peterson that Mr. Keyes needed hospital care for the ulcers, the pressure ulcers smelled and were in terrible shape, and the United States Marshals (who have custody over all federal pre-trial detainees) needed to be alerted.

45. In response, Mr. Martin wrote that Mr. Keyes’s requests to go to the hospital were “being rejected.”

46. Mr. Keyes appealed the failure to provide him with an air mattress and the refusal to send him to the hospital, writing that the “entire back of [his] boxers [was] red from drainage of blood” from the wound on his back. His appeals were denied.

47. On August 29, Mr. Keyes wrote in a medical complaint that Chief Davis and Assistant Warden Ceja had seen his wounds being dressed. Yet, neither took any action to obtain much needed help for Mr. Keyes.

48. During this time period, Mrs. Keyes went to visit Mr. Keyes at the Aurora Detention Facility. She saw that his toes were turning purple. She requested for him to be brought to the hospital, but her request was denied.

49. Finally, after Mr. Keyes had a high fever for several days, staff at the facility found him passed out in his wheelchair. He was taken to the emergency room at the hospital.

50. Mr. Keyes told the emergency room doctor that the wound to his ankle had been infected for weeks, he had had a high fever, headache, and chills for three days, and the nurses at the jail only changed his dressing about every three days.

51. The doctor’s initial description of Mr. Keyes’s wounds was the following:

Sacral decubitus ulcer [pressure ulcer] 6x7 cm circular lesion with . . . purulent [pus] drainage. LLE [left lower extremity] necrotic 3x4cm circular lesion with obvious purulent drainage. . . . 2x3 cm open wound with purulent drainage to lateral heel. Medial malleolus with 2x2 cm circular necrotic lesion.

52. Mr. Keyes was admitted to the hospital and diagnosed, among other things, with sepsis—infection of the blood—and osteomyelitis—infection of the bone—of the ankle and foot. Sepsis and osteomyelitis are complications that occur with severe pressure sores.

53. On September 20, Mr. Keyes had his left leg amputated below the knee in an attempt to prevent the infection from spreading further.

54. The post-operation diagnosis of Mr. Keyes’s leg found “chronic ankle wounds” that were “malodorous” with “exposed bone.”

55. After the amputation, Mr. Keyes was extremely depressed. Staff at the hospital noted that he experienced an acute severe grief response, and he could not look at the remainder of his left leg for a week.

56. On September 27, the pressure ulcer of Mr. Keyes’s sacral region was surgically debrided (the damaged tissue was removed). The surgeon “excis[ed] . . . 12x14 cm of skin and necrotic subcutaneous tissue to the level of the sacrum.” The ulcer was “malodorous, with overlying eschar [dead tissue], [and] purulent discharge.”

57. On October 6, Mr. Keyes was discharged from the hospital and sent back to the Aurora Detention Facility. When he returned, Dr. Peterson apologized to him for not listening to

his concerns more. Dr. Peterson told him that he had prejudged him because of his criminal history.

58. After continuing medical complications, the case against Mr. Keyes was dismissed because of health concerns and he was released from custody.

59. In the months since, Mr. Keyes has been in and out of the hospital, battling sepsis and osteomyelitis from infections to the wound in his sacral region. Mr. Keyes has seen numerous doctors and had multiple procedures, but at the end of January 2017, he was informed that there was nothing more that could be done to try to rid him of the infection.

60. The doctors have sent Mr. Keyes home from the hospital. He is staying with his mother until he gets too ill for her to care for him, and then he will be in hospice care.

61. Because of the incredible negligence and, essentially, cruelty of GEO, Dr. Peterson, Mr. Vineyard, Warden Choate, Assistant Warden Ceja, Mr. Martin, and Chief Davis, Mr. Keyes not only will lose his life, but will also have had the last months of his life filled with immense pain and suffering.

V. FIRST CLAIM FOR RELIEF

Negligence

62. Plaintiff hereby incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

63. At all times relevant to the subject matter of this Complaint, Defendants owed Mr. Keyes a duty to provide him reasonable medical care and treatment.

64. By virtue of the physician-patient relationship, Dr. Peterson owed Mr. Keyes a duty to conform his treatment of Mr. Keyes to the standard of care ordinarily possessed and exercised by doctors who are general practitioners.

65. Because GEO voluntarily assumed custody of Mr. Keyes under circumstances such as to deprive him of his normal opportunities to obtain medical care and treatment, GEO owed Mr. Keyes a duty of care to provide for his medical needs.

66. GEO's duty to provide medical care and treatment to Mr. Keyes was non-delegable. The fact that GEO confided the duty of providing care to Mr. Keyes to the individual Defendants and other staff, employees, and agents of GEO did not relieve GEO of its duty of care to Mr. Keyes.

67. Because Mr. Keyes was dependent on and under the control GEO and the staff at the Aurora Detention Facility, Mr. Keyes had a special relationship with GEO, Mr. Vineyard, Warden Choate, Assistant Warden Ceja, Chief Davis, and Mr. Martin, among others, such that GEO and these individuals had a duty to exercise reasonable care in protecting Mr. Keyes's health and safety.

68. GEO and its staff, including the individual Defendants, grossly breached their common law duties to Mr. Keyes by, inter alia: (1) using improper and inadequate bedsores and wound prevention and treatment techniques which facilitated the development and worsening of Mr. Keyes's pressure ulcers; (2) failing to develop and implement timely and consistent care plans; (3) failing to properly assess and reassess wound care prevention plans; (4) failing to timely or adequately respond to changes in condition of Mr. Keyes's pressure ulcers and infection; (5) failing to properly diagnose, treat, test, or obtain such diagnosis, treatment and testing for such conditions; (6) failing to timely secure pressure relieving mattresses, beds or other equipment; (7) failing to provide sufficiently trained staff competent to monitor, prevent, record, assess and treat Mr. Keyes's wounds and other conditions and care needs; (8) failing to timely obtain essential skilled care assessment and treatment of wounds; (9) failing to properly assess and timely secure appropriate treatment of basic care needs, including nutrition, hydration, and infection; and (10) failing to ensure that the facility could meet the overall needs of Mr. Keyes.

69. Specifically, by failing to provide and/or to direct those under his supervision and control to provide adequate treatment to Mr. Keyes for his pressure ulcers, including, but not limited to, changing the dressings covering the wounds more frequently and using adequate medical supplies to treat the wounds, Dr. Peterson failed to act in the same manner as a reasonably careful general practitioner would have in treating or caring for Mr. Keyes, and thus breached his duty of care.

70. Dr. Peterson also failed to act as a reasonably careful physician and breached his duty of care to Mr. Keyes by refusing to obtain help for Mr. Keyes, such as hospital treatment or treatment by a wound specialist or consultant, once he knew or should reasonably have known that Mr. Keyes's wounds were becoming much worse under his care.

71. Moreover, because GEO, Mr. Vineyard, Warden Choate, Assistant Warden Ceja, Chief Davis, and Mr. Martin were all on notice that Dr. Peterson was not providing adequate medical care and treatment to Mr. Keyes, and it thus was, or should have been to an ordinarily prudent person in their position, reasonably apparent to these Defendants that that they needed to take action to protect Mr. Keyes from the harm or reasonably foreseeable risk of harm caused by Dr. Peterson's failure to adequately treat Mr. Keyes, they had a duty to take necessary action to protect Mr. Keyes from such harm.

72. By not acting to protect Mr. Keyes from the harm caused by Dr. Peterson's failure to provide Mr. Keyes adequate medical care once they were aware of such failure, Mr. Vineyard, Warden Choate, Assistant Warden Ceja, Chief Davis, and Mr. Martin failed to act as a reasonably prudent person would have—for example, by taking Mr. Keyes to the hospital—thus breaching their duty of care to Mr. Keyes.

73. GEO, Mr. Vineyard, Warden Choate, Assistant Warden Ceja, Chief Davis, and Mr. Martin also failed to act as a reasonably prudent person would have and thus breached their duty to Mr. Keyes by not providing him with an air mattress or similar equipment so as to prevent more pressure sores from forming and help prevent his existing pressure sores from worsening.

74. GEO, Warden Choate, Assistant Warden Ceja, and Mr. Vineyard additionally all had a duty to adequately supervise and review the performance of the medical staff at the Aurora Detention Facility.

75. Because GEO, Warden Choate, Assistant Warden Ceja, and Mr. Vineyard each knew or should have known that the lack of medical care being provided to Mr. Keyes by Dr. Peterson was causing him harm or the risk of unreasonable harm to Mr. Keyes, and they failed to take any action to prevent such harm or the risk of harm, they permitted Dr. Peterson's negligent conduct.

76. GEO, Warden Choate, Assistant Warden Ceja, and Mr. Vineyard breached their duty to Mr. Keyes to adequately supervise and review the performance of the medical staff treating him by failing, once they were on notice that he was not receiving adequate medical care, to order the medical staff to provide the medical care Mr. Keyes needed, and ensure that the same happened.

77. If not for the negligent conduct described above of GEO, Dr. Peterson, Warden Choate, Assistant Warden Ceja, Mr. Vineyard, Chief Davis, and Mr. Martin, Mr. Keyes would not be dying, would not have had to have part of his leg amputated, and would not have suffered the pain and suffering he has, not to mention the emotional pain and suffering his family has suffered because of his condition and will continue to suffer when he dies.

78. Dr. Peterson's acts and failure to adequately treat and/or to direct those who he supervised and controlled to adequately treat Mr. Keyes's pressure sores was a substantial factor in causing Mr. Keyes's harm because the infection that caused/is causing Mr. Keyes's harm was directly caused by such acts and omissions by Dr. Peterson, and it was reasonably foreseeable to a reasonable person in Dr. Peterson's position that such acts and omissions would cause the harm or a similar harm that Mr. Keyes suffered and is suffering.

79. The acts and omissions of GEO, Warden Choate, Assistant Warden Ceja, Mr. Vineyard, Chief Davis, and Mr. Martin in not providing Mr. Keyes the care he needed was a substantial factor in causing the harm Mr. Keyes suffered and is suffering because each had the opportunity to timely intervene in Mr. Keyes's care once it became clear it was inadequate and each failed to do so, and it was reasonably foreseeable to a reasonable person in each of these Defendant's positions that their failure to intervene would cause the harm or a similar harm that Mr. Keyes suffered and is suffering.

80. GEO's, Warden Choate's, Assistant Warden Ceja's, and Mr. Vineyard's failure to adequately supervise and review the performance of the medical staff and the treatment provided to Mr. Keyes was a substantial factor in causing the harm Mr. Keyes suffered and is suffering because they each had the opportunity to control Dr. Peterson's conduct, they were on notice of the harm that could result from the failure to provide adequate medical treatment to Mr. Keyes, they failed to order Dr. Peterson or other medical staff to provide adequate care to Mr. Keyes, and it was reasonably foreseeable to a reasonable person in each of these Defendants' position that such failure would cause the harm or a similar harm that Mr. Keyes suffered and is suffering..

81. Thus, GEO and each of the individual Defendants are directly liable for the harm caused Mr. Keyes by the failure to provide him reasonable medical care and treatment while he was detained.

82. Additionally, GEO is vicariously liable for the acts and omissions of Warden Choate, Assistant Warden Ceja, Mr. Vineyard, Mr. Martin, and Chief Davis, and all other non-physician employees, staff, or agents, including the nurses who treated Mr. Keyes, because GEO had the right to control their actions and their negligent acts were committed within the course and scope of their employment.

83. Negligent acts for which GEO is vicariously liable include, but are not limited to, the failure of the nurses who provided medical care to Mr. Keyes to use proper techniques in sterilization and preventing contamination of his wounds, thus breaching their duty to Mr. Keyes to exercise the degree of care, skill, caution, diligence, and foresight exercised by and expected of medical personnel in similar situations, and directly and proximately causing Mr. Keyes's harm and suffering.

84. As a result of the complained of negligence, Plaintiff has suffered and continues to suffer economic and noneconomic damages, losses, and injuries, in an amount to be determined at trial. General and compensatory damages to which Plaintiff is entitled include, inter alia, pain and suffering impairment in the quality of life, upset, anger, depression, and all other damages as allowed under Colorado law.

85. Given the extensive circumstances of malice and willful and wanton conduct surrounding Defendants' treatment of Mr. Keyes, Plaintiff also anticipates seeking leave to amend the Complaint to seek exemplary damages for Defendants' negligence.

VI. SECOND CLAIM FOR RELIEF

Outrageous Conduct / Intentional Infliction of Emotional Distress

86. Plaintiff hereby incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

87. Defendants' conduct in failing to provide treatment and the necessary care to Mr. Keyes or to ensure that he received adequate medical treatment once it became abundantly clear that his wounds were getting worse and worse, refusing to take Mr. Keyes to the hospital when he begged repeatedly to go, and knowingly ignoring his condition such that it was allowed to progress to the point where he needed an immediate amputation and now is dying, was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and be regarded as atrocious and utterly intolerable by reasonable members of the community.

88. When Defendants engaged in this conduct, they knew or should have known that it was substantially certain to cause Mr. Keyes severe emotional distress.

89. As a direct result of Defendants' outrageous conduct, Plaintiff has sustained emotional distress that is so extreme that no person of ordinarily sensibilities could be expected

to tolerate it. Defendants conduct has also caused Plaintiff to suffer severe pain and suffering, as well as physical harm.

90. Given the extensive circumstances of malice and willful and wanton conduct surrounding Defendants' outrageous treatment of Mr. Keyes, Plaintiff is also entitled to punitive damages.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and against Defendants, in an amount to be determined by a jury following a trial, and award him all relief allowed by law, including, but not limited to, the following:

- a. Appropriate and equitable relief including but not limited to declaratory and injunctive remedies;
- b. Compensatory damages, including, but not limited to, those for past and future pecuniary and non-pecuniary losses, emotional distress, suffering, humiliation, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses;
- c. Punitive damages;
- d. Pre-judgment and post-judgment interest at the highest lawful rate;
- e. Case costs;
- f. Such further relief as justice requires or the law allows.

PLAINTIFF HEREBY DEMANDS A JURY TRIAL ON ISSUES SO TRIABLE.

Respectfully submitted this 1st day of February, 2016.

[Filed electronically, original signatures on file in Counsel's office]

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